



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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March 17, 2010

The Honorable Peter A. Hammen, Chairman  
Members, Health and Government Operations Committee  
241 House Office Building  
Annapolis, MD 21401-1912

Re: House Bill 1301: State Government – Access to Public Records – Electronic Documents

Dear Chairperson Hammen & Committee Members:

Thank you for the opportunity to provide information on House Bill 1301. The legislation would require a custodian of a public record to provide applicants with a copy of a public record in an electronic format if the record is already in an electronic format, the record is requested in an electronic format, and the custodian is able to provide a copy of the public record, in whole or in part, in an electronic format that does not disclose confidential or protected information for which the custodian is required to deny inspection under the Maryland Public Information Act.

The Maryland Department of the Environment (MDE) recognizes and respects the fact that the public has the right to access certain information from state agencies. MDE's Public Information Act (PIA) staff work closely with the public to respond to all requests and recognizes the importance of providing this service to the public. However, MDE's concern is that in order to fulfill an information request in the original electronic format, there would be a significant workload increase that could not be absorbed by existing staff, particularly with respect to protecting the confidential nature of certain records.

It is our hope that any changes made to the current method of providing information to the public be given considerable thought with regard to the amount of resources necessary to accomplish such a goal. Additionally, it may be prudent for the Maryland Department of Information and Technology (DoIT) to also provide a guidepost for any change that would impact the way state agencies provide electronic documents to the public.

Thank you for allowing us to express our opinion related to House Bill 1301. If you have any questions regarding this issue, please do not hesitate to contact me at 410-260-6301 or [lnissley@mde.state.md.us](mailto:lnissley@mde.state.md.us).

Sincerely,

Lisa Nissley  
Legislative Liaison

CC. Heather Barthel, MDE Director of Legislation and Policy  
Susan Scotto, MDE Director of the Administrative Services Administration